

REMARKS

The application has been reviewed in light of the Office Action dated March 27, 2006. Claims 1-20 and 22 were pending. Claim 21 was previously canceled, without prejudice or disclaimer. By this Amendment, claims 1-20 and 22 have been canceled, and new claims 23-41 have been added. Accordingly, claims 23-41 are now pending, with claims 23, 24, 30, 36 and 41 being in independent form.

Claims 6-12 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Claims 1-20, and 22 were rejected under 35 U.S.C. § 102(a) as purportedly anticipated by U.S. Patent No. 6,078,897 to Rubin et al. Claims 1-20 and 22 were rejected under 35 U.S.C. § 103(a) as purportedly obvious over Rubin in view of U.S. Patent No. 6,332,126 to Peirce et al.

By this Amendment, claims 1-20 and 22 have been canceled, and have been replaced by new claims 23-41.

Applicant maintains that new claims 23-41 are in full compliance with 35 U.S.C. §112, and new independent claims 23, 24, 30, 36 and 41 are patentable over the cited art, for at least the following reasons.

This application relates to improved techniques devised by Applicant for enhancing product sales in Internet transactions by offering promotions functionally related to an initial order the customer places, in order to induce the customer to increase the order or place an additional order. Unlike the cited art, the claimed invention of this application provides for comparing the initial order to a minimum quantity, and displaying promotion information only if the initial order meets or exceeds a minimum quantity. No promotion information is displayed if the initial order does not meet or exceed the minimum quantity. Each of new independent claims

23, 24, 30, 36 and 41 addresses these features, as well as additional features.

Rubin proposes that promotion information is always displayed in response to an initial order, regardless of the quantity of the initial order, and no comparison to a minimum quantity is made to determine whether promotion information is to be displayed.

More specifically, Rubin fails to disclose or suggest (a) comparing the specified quantity of the initial product order, placed by the customer side to the seller side, to a minimum quantity, (b) if the specified quantity of the initial product order is equal to or greater than the minimum quantity, delivering to the customer side display information for a promotion screen containing information regarding a selected promotion which is functionally related to the initial product order and is contingent on a revision of the order to make an additional purchase, and (c) if the specified quantity of the initial product order is less than the minimum quantity, processing the initial product order received from the customer side and delivering no promotion information to the customer side, as provided by the claimed invention of new independent claim 23.

Peirce does not cure the deficiencies of Rubin.

Peirce, as understood by Applicant, proposes an approach for a specific merchant to entice a consumer (for example, a bankcard or credit card holder) to make a purchase by offering a product or service at a discounted price if the consumer, according to information regarding the purchasing behavior of the consumer, has demonstrated a propensity for buying such a product or service. The offer from the merchant is in the form of inserts to be mailed with monthly bankcard or credit card statements from the bankcard or credit card issuer.

However, the information regarding the purchasing behavior of the consumer proposed by Peirce to be considered is not an initial purchase order placed with the merchant, and Peirce is not concerned with inducing a customer to increase a purchase order after the customer has

placed an initial purchase order.

Peirce, column 14, lines 35-40, which is cited in the Office Action and states as follows, proposes using a prioritization function of expected transaction volume, total discount, and total purchase amount to determine an appropriate discount:

7. The method of claim 6 wherein the subset of merchant discount offers for which the participating consumers qualify and of which they are notified is determined based on a prioritization of discount offers using a prioritization function of expected transaction volume, total discount, and total purchase amount.

Peirce, column 14, lines 35-40, which is also cited in the Office Action, states as follows:

FIG. 1.9 details the Offer Fulfillment process. In Step (1.9.1), Merchant Entitlement to participate in the Program for the month is set. The Merchant Offers File (1.3.9) which contains information on participating merchants is transmitted to the Merchant Processor where the information from the file is added to existing merchant accounts processing information. Thereafter, when a participating merchant makes a sale to a qualifying cardholder who has received the merchants discount offer, the cardholder will receive the discount as an automatic credit without any further action (beyond normal credit card sales processing) on behalf of either the merchant or the cardholder. In Step (1.9.3) the merchant transmits the sales draft to the processor as it would any other credit card sale. The processor then determines whether the card holder is entitled to a credit on the transaction (1.9.5) by comparing the transaction information from the draft with the Merchant Entitlement information in the (1.9.2) file, Cardholders Offers Table (1.9.6) and Merchants Offers Table (1.9.9). The logic of this determination process is shown explicitly in FIG. 2. A cardholder is eligible for a Program credit if: (1) they purchased goods or services from a merchant who is currently participating in the Program; (2) they were designated as being eligible for a merchant offer (i.e., they were sent an offer along with their monthly bankcard statement); (3) they met the requirements of the specific offer being run by the merchant (e.g., have made the minimum purchase); and (4) the sale is made during the offer period.

While Peirce proposes sending offers, in the form of inserts mailed with monthly bankcard or credit card statements, to qualifying cardholders, such offers are not provided in response to an initial product order placed by the cardholder with the merchant.

Peirce, like Rubin, does not teach or suggest (a) comparing the specified quantity of the initial product order, placed by the customer side to the seller side, to a minimum quantity, (b) if the specified quantity of the initial product order is equal to or greater than the minimum

quantity, delivering to the customer side display information for a promotion screen containing information regarding a selected promotion which is functionally related to the initial product order and is contingent on a revision of the order to make an additional purchase, and (c) if the specified quantity of the initial product order is less than the minimum quantity, processing the initial product order received from the customer side and delivering no promotion information to the customer side, as provided by the claimed invention of, for example, claim 23. Therefore, the combination of Rubin and Peirce fails to disclose or suggest the claimed invention of claim 23.

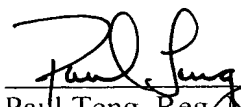
Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 23, 24, 30, 36 and 41, and the claims depending therefrom, are patentable over the cited art.

In view of the amendments to the claims and remarks hereinabove, Applicant submits that the application is now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



---

Paul Teng, Reg. No. 40,837  
Attorney for Applicant  
Cooper & Dunham LLP  
Tel.: (212) 278-0400